REMARKS

Claims 1-10 are pending.

Claims 1-10 are amended.

Claims 1-10 are rejected.

Applicants have amended Claims 1-10 in accordance with the suggestions made in the Rejection mailed on February 24, 2009. If any claims still need to be amended, or if the Applicants failed to make a suggested amendment, the Applicants request that the Examiner indicate such corrections.

Applicants have also amended the specification and Claim 2 to recite the verb "determines" instead of the previous verb "deduces". The specification, as filed in the United States Patent Office, was a translation of a PCT application that was drafted in French where "determines" is probably closer to the original French than the term "deduces".

Claims 1 and 7 have been amended to show that "*a characteristic value of the network is determined by the NOT exclusive OR between the first and the second address values*"

The added matter is disclosed on page 8, lines 10 to page 9, line 1 of the specification:

> "For this, the new device compares the bits of the same rank in the two address values received and determines the most significant bit for which the value is different for the sending device and for the receiving device. The field defined from this bit up to the LSB belongs to the address field of the terminal in the subnetwork. In the example, the MSB for which the value is different is the fifth, therefore the five LSBs belong to the address field. **The program first of all performs a NOT exclusive OR between the two address values received, and the result according to the present example is**"

192	168	000	009
1 1 0 0 0 0 0 0	1 0 1 0 1 0 0 0	0 0 0 0 0 0 0 0	0 0 0 0 1 0 0 1

NOT XOR

192	168	000	025
1 1 0 0 0 0 0 0	1 0 1 0 1 0 0 0	0 0 0 0 0 0 0 0	0 0 0 1 1 0 0 1

=====

255	255	255	16
1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1	1 1 1 0 1 1 1 1

No new matter was entered in view of these amendments.

I. Rejection of Claims 7-10 under 35 U.S.C. 101

The Examiner rejected Claims 7-10 under 35 U.S.C. 101 as stating that the claims were non-statutory subject matter.

Specifically, the Examiner stated that the, "claims lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. 101, they are not a series of steps or acts to be a process; and they are not a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, function descriptive material *per se"*. Applicants disagree with the Examiner's conclusion.

Obviously, the Claims 7-10 represent an apparatus which squarely falls within the definition given in 35 U.S.C. 101, "Whoever invents or discovers any new and useful process, **machine,** ….may obtain a patent thereof, subject to the conditions and requirements of this title." The Examiner has not explained in the rejection under 35 U.S.C. 101 is not an apparatus.

The burden is on the USPTO to set forth a *prima facie* case of unpatentability. Therefore if USPTO personnel determine that it is more likely than not that the claimed subject matter falls outside all of the statutory categories, they must provide an explanation. For example, a claim reciting only a musical composition, literary work, compilation of data, >signal,< or legal document (e.g., an insurance policy) *per se* does not appear to be a process,

machine, manufacture, or composition of matter. >See, *e.g.*, *In re Nuitjen*, Docket no. 2006-1371 (Fed. Cir. Sept. 20, 2007)(slip. op. at 18)("A transitory, propagating signal like Nuitjen's is not a 'process, machine, manufacture, or composition of matter.' (MPEP 2106).

The Applicants request that the Examiner point out specifically why the claim elements of Claims 7-10 are not patentable subject matter under 35 U.S.C. 101, as required under the law and restated in the MPEP. In view of the comments made above, the Applicants do not believe that the Examiner has established the requirements necessary to establish and maintain a rejection under 35 U.S.C. 101. Hence, Applicants request that the Examiner remove this rejection.

II. Rejection of Claims 1-3 and 5-9 under 35 U.S.C 102(b)

The Examiner rejects Claims 1-3 and 6-9 as being anticipated by Cole et al. (US 5854901), hereafter referred to as 'Cole') under 35 U.S.C. 102(b). Applicants disagree with this ground of rejection.

Cole discloses an IP address is automatically discovered by a network endpoint, such as a PC or router. The endpoint listens for a broadcast network packet or promiscuously listens for a unicast network packet sent from a web browser from a host system. The network packet includes the IP address for the host system and a preselected IP domain name. The IP domain name is used to initiate the address discovery in the endpoint. The IP address from the host system is used by the endpoint as a seed for generating a proposed IP network address. The endpoint then uses an address resolution protocol (ARP) to determine whether the proposed IP address is currently assigned to any other device in the network. If no device in the network responds to the ARP request, the proposed IP address constitutes a unique address on a network segment. Because the proposed address is not used by any other device in the subnetwork, it is self-assigned to the endpoint.

Cole needs the determining of a characteristic value of the network.

For doing that, Cole discloses column 5 lines 39 to 41:

"*In step 76, the router 24 waits for the next DNS request packet from the host system 14. The router sends its newly-assigned IP address to the host system 14. An HTTP connection is then established between host system 14 and router 24. The router 24 operates as a web server prompting the host system 14 for configuration parameters, help information, etc. For example, the user enters the correct network mask for network 20 to the router 24 through the HTTP session.*"

Therefore, Cole discloses that the user enters the correct network mask, i.e. a characteristic value of the network.

In our claimed invention, as in Claims 1 and 7, this step of determining is automatically calculated *by a NOT exclusive OR between the first and the second received address values.*

In conclusion, the manner for determining the characteristic value of the network is not disclosed nor suggest by the cited prior art.

Therefore, the claim 1 is new with regard to Cole.

Claim 7 is an independent claims directed to an electronic device connected to a network, having limitations similar to those of claim 1. In particular, claim 7 has an "a means for determining a characteristic value of the communication network which is the NOT exclusive OR between the first and the second address values" that is not disclosed by Cole. Therefore, claim 7 is allowable for the same reasons that claim 1 is allowable. Hence, Applicants assert that Claims 1-3 and 5-6 and Claims 7-9 are patentable, for the reasons given above.

III. Rejection of Claims 4 and 10 under 35 U.S.C. 103(a)

The Examiner rejected Claims 4 and 10 under 35 U.S.C 103(a) as being unpatentable over Cole in view of Feldmeier et al. (U.S. Pub No. 2002/0032681,

hereafter referred to as 'Feldmeier'). Applicants disagree with this ground of rejection.

The document Feldmeier with Cole, neither teach nor suggest that the step for determining a characteristic value of the network is automatically calculated *by the NOT exclusive OR between the first and the second received address values.* Hence, Applicants assert that Claims 4 and 10 are patentable for the reasons given above and because such claims depend on allowable Claims 1 and 7, respectively.

Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
/Joel M. Fogelson/
By: Joel M. Fogelson
Reg. No. 43, 613
Phone (609) 734-6809

Patent Operations
Thomson Licensing
P.O. Box 5312
Princeton, New Jersey 08543-5312
August 24, 2009